

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Francois Binette et al.

Confirmation No.: 7987

Application No.: 10/723,982

Art Unit: 3738

Filed: November 26, 2003

Examiner: Satyendra K. Singh

For: CONFORMABLE TISSUE REPAIR IMPLANT
CAPABLE OF INJECTION DELIVERY

I hereby certify that this correspondence is being transmitted electronically via EFS-Web to the United States Patent and Trademark Office on the date shown below.

Dated: June 8, 2006

Signature: 

(Charlton Shen)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is responsive to the Restriction Requirement dated May 8, 2006.

Group Election

The Examiner requires election of one of the following groups:

- I. Claims 1-21, drawn to a tissue repair implant comprising a tissue carrier matrix comprising plurality of biocompatible, bioresorbable granules and at least one tissue fragment having viable cells, classified in class 623, subclass 1.41 for example and others.

II. Claims 22-27, drawn to a method of repairing a tissue defect or injury comprising providing a tissue repair implant and delivering the implant to a tissue site to be repaired (as specifically recited in claim 22), classified in class 424, subclass 426 for example, and others.

III. Claims 28-43, drawn to a method of preparing a tissue repair implant (as specifically recited in claim 28), classified in class 424, subclass 423 for example and others.

Applicants elect Group I, corresponding to claims 1-21.

Species Election

With respect to Group I, the Examiner asserts:

Claim 3, 6, 7, 12, 14, 16, 18 and 19 provide a list having various components as part of the invention as claimed such as: various types of tissue fragments (claim 3); biocompatible materials (claim 6); aliphatic polyesters (claim 7); binding agents (claim 12); curing agents (claim 14); biological components (claim 16); platelet activators (claim 18); and cell types as biological component (claim 19).

Applicant is required to elect ONE specie from EACH of the claims cited above.

With respect to claim 3, Applicants elect *cartilage* as a species of a connective tissue type.

With respect to claim 6, Applicants elect *aliphatic polyesters* as a species of a biocompatible material.

With respect to claim 7, Applicants elect *glycolides* as a species of an aliphatic polyester.

With respect to claim 12, Applicants elect *fibrin glue* as a species of a binding agent.

With respect to claim 14, Applicants elect *thrombin* as a species of a curing agent.

With respect to claim 16, Applicants elect *platelets* as a species of a biological component.

With respect to claim 18, Applicants elect *thrombin* as a species of an activator of platelets.

With respect to claim 19, Applicants elect *stem cells* as a species of a cell type.

Applicants reserve all rights and believe that generic claims are in condition for allowance, rendering this species election moot.

CONCLUSION

If the Examiner believes that an interview would facilitate the resolution of any outstanding issues, he is kindly requested to contact the undersigned.

Dated: June 8, 2006

Respectfully submitted,



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